

IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: BEXTRA AND CELEBREX
MARKETING AND SALES PRACTICES
AND PRODUCT LIABILITY LITIGATION

MDL Docket No. 1699

Judge Charles R. Breyer

This document relates to:

**PATTY EZELL Individually and as the
Personal Representative of the Estate of
ROGER M. EZELL,**

**STIPULATION AND ORDER
OF DISMISSAL WITHOUT
PREJUDICE ONLY AS TO
CASE NO. 3:07-cv-00906**

Plaintiff,

v.

PFIZER, INC. et. al.,

Defendants.

IT IS HEREBY STIPULATED AND AGREED by and between counsels for the Plaintiff and counsel for the Defendants that the Complaint of Plaintiff Patty Ezell Individually and as the Personal Representative of the Estate of Roger M. Ezell is hereby dismissed without prejudice.

1. Plaintiff is Patty Ezell Individually and as the Personal Representative of the Estate of Roger M. Ezell; defendants are Pfizer, Inc., Pharmacia Corporation, Monsanto Company, and G.D. Searle L.L.C.;
2. On February 13, 2007, plaintiff sued defendants;
3. Plaintiff moves to dismiss her claims against defendants;
4. This case is not a class action;
5. Defendants have not answered these claims;

6. A receiver has not been appointed to this action;
7. Plaintiff has not dismissed an action based on or including the same claims as those present in this suit.
8. Should Plaintiff or a representative of Plaintiff attempt to re-file her claims against Defendants, they shall do so only by filing said claims in federal court.

Respectfully submitted:

Dated: 7/30/07

By: Navan Ward, Jr.
Navan Ward, Jr. (AL State Bar No. WAR002)
Email: navan.ward@beasleyallen.com
Jere L. Beasley (AL State Bar No. BEA020)
Email: jere.beasley@beasleyallen.com
Gerald B. Taylor, Jr. (AL State Bar No. TAY026)
Email: jerry.taylor@beasleyallen.com
Andy D. Birchfield, Jr. (AL State Bar No. BIR006)
Email: andy.birchfield@beasleyallen.com
BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.
Post Office Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343 telephone
(334) 954-7555 facsimile

Attorneys for Plaintiff

GORDON & REES

Stuart M. Gordon
Stuart M. Gordon, Esq.
Embarcadero Center West
275 Battery Street 20th Floor
San Francisco, CA 94111
(415) 986-5900 (Tel.)
(415) 986-8054 (Fax)

Defendant's Liaison Counsel

Dated: 7/30/07

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: Aug. 3, 2007

